

REMARKS

Claim 18 is canceled without prejudice, and therefore claims 9 to 11 and 13 to 17 are pending.

Reconsideration is respectfully requested based on the following.

With respect to paragraph one (1) of the Final Office Action, copies of the foreign references should have been provided in the last response and would not have been purposely omitted. In any event, courtesy copies of the foreign references again accompany this response. It is respectfully requested that the references of the previously filed IDS and PTO-1449 papers be considered and made of record.

As to paragraphs three (3), six (6), and seven (7), while claim 18 does not add any new matter, claim 18 is canceled without prejudice to facilitate prosecution. The rejection of claim 18 is now moot, and Applicant respectfully requests that it be withdrawn.

As to paragraph four (4), claims 9 to 11 and 13 to 18 were rejected under 35 U.S.C. § 112 second paragraph, as indefinite.

The Final Office Action asserts that "the surface lacks antecedent basis". While this may not be agreed with, to facilitate matters, the claim has been rewritten. The Final Office Action also asserts that "[a] surface opposite is generally taken to mean facing". The Final Office Action cites several definitions for this, but ignores other definitions from the same source:

- S: (adj) opposite, **paired** (of leaves etc; growing in pairs on either side of a stem) *"opposite leaves"*
- S: (adj) opposite (moving or **facing away** from each other) *"looking in opposite directions"; "they went in opposite directions"*
- S: (adj) opposite (the other one of a complementary pair) *"the opposite sex"; "the two chess kings are set up on squares of opposite colors"*
- S: (adj) opposite (**altogether different** in nature or quality or significance) *"the medicine's effect was opposite to that intended"; "it is said that opposite characters make a union happiest"- Charles Reade*
- S: (adj) **diametric**, diametrical, opposite, **polar** (**characterized by opposite extremes**; completely opposed) *"in diametric contradiction to his claims"; "diametrical (or opposite) points of view"; "opposite meanings"; "extreme and indefensible polar positions"*

(<http://wordnet.princeton.edu/perl/webwn?s=opposite>).

Paired, facing away, other one of a complementary pair, altogether different, diametric, polar, and characterized by opposite extremes (i.e. every other definition listed for the word “opposite”) all support its use to mean the side of the head indicated by the present application’s Fig. 1 (2) or Fig. 2 (2) as that being the side of the head *farthest* from the shank. It was clearly indicated that by “opposite” Applicant meant the side farthest from the shank, because Applicant stated in the 10/29/07 remarks: “the surface opposite the shank in ‘Jakob’ has a hexagon shaped tool interface”. The only surface on the head of the bolt in “Jakob” with a hexagon shaped tool interface is the surface farthest from the shank. Thus, if the Office believed “opposite” to be indefinite and the definitions of opposite the Office looked at *clearly* supported at least the side farthest from the shank, then the Office should have based the rejection on the clearly intended meaning.

While the indefiniteness rejection may not be agreed with, to facilitate matters, the claim feature has been rewritten to make clearer that the surface of the head which is smooth is the “surface of the head that is perpendicular to the axis of the shank and not attached to the shank”. Accordingly, claim 9 and its dependent claims are allowable. Claim 18 has been canceled without prejudice.

As to paragraph five (5), claim 14 was objected to as lacking antecedent basis for “the thread”. While the objection may not be agreed with, to facilitate matters, claim 14 has been rewritten. Applicant respectfully requests that the objection be withdrawn.

As to paragraph nine (9), claims 9 to 11, 13, 14, and 17 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,309,132 (“Jakob”).

While the rejections may not be agreed with, to facilitate matters, claim 9 has been rewritten. Claim 9, as presented, is to “a self-locking bolt . . . having engagement surfaces for a tool at an end of the shank, wherein the head is round wherein a surface of the head that is perpendicular to the axis of the shank and not attached to the shank is smooth.” The Final Office Action asserts that “Jakob” Fig. 1 (36) shows a head which is “round and has a smooth surface.” Since the “surface of the head that is perpendicular to the axis of the shank and not attached to the shank” in “Jakob” has a hexagon shaped tool interface rendering it anything but “smooth,” it *was* assumed, in the remarks made in the 10/29/07 response, that the prior Office Action was asserting that the rim of the flange is “round and has a smooth surface.”

The Final Office Action has clarified that the Office is actually asserting that the surface of the head, which connects with the shank, is “round and has a smooth surface.” First, this is *not* the surface of the claimed subject matter. Second, this surface can not

possibly be described as having a smooth surface because it has a large shank protruding out of it. From the online dictionary selected by the Office, the word "smooth" has a first definition of "free from projections or unevenness of surface; not rough."

(<http://wordnet.princeton.edu/perl/webwn?s=smooth>).

The surface of the head which is attached to the shank is clearly not "free from projections", as the shank is projecting from it. Thus, neither surface of "Jakob" disclose a "smooth surface". Accordingly, "Jakob" does not identically disclose (nor even suggest) all of the features of claim 9, so that claim 9, as presented, is allowable. Additionally, since there is no surface on the head of the bolt in "Jakob" which could be described as "round and has a smooth surface", the rejection was improperly made final since "Jakob" does not disclose each and every feature of claim 9, as it was presented in any amendment.

Claims 10, 11, 13, 14 and 17 depend from claim 9, as presented, and are therefore allowable for at least the same reasons.

As regards paragraph eleven (11), claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over "Jakob" in view of EP 0747604.

Courtesy copies of the reference (which should have been provided by the International Searching Authority) accompany this response.

Claims 15 and 16 depend from claim 9, as presented, and are therefore allowable for the same reasons, since any review of the secondary reference makes plain that it does not cure -- and it not asserted to cure -- the critical deficiencies of the primary reference.

Accordingly, claims 9 to 11 and 13 to 17 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of claims 9 to 11 and 13 to 17 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Dated: 2/20/2008

Respectfully submitted,

By: 

Gerard A. Messina
Reg. No. 35,952

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

33,865
Advent
D'ED, 1714)

CUSTOMER NO. 26646

1472067